

FEB 18 2004

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INTELLECTUAL PROPERTY LAW
(PATENT, BIOTECHNOLOGY, COMPUTER,
TRADEMARK & TRADE SECRET LAW)

February 18, 2004

FACSIMILE COVER SHEET

PLEASE DELIVER TO: Examiner J. Zara

COMPANY: Commissioner of Patents & Trademarks

FACSIMILE NUMBER: (703) 872-9306

NUMBER OF PAGES (COUNTING COVER SHEET): 4

FROM: Benjamin A. Adler

MESSAGE: Please deliver the attached to Examiner J. Zara. Examiner Zara, enclosed please find the Response to Restriction Requirement for 10/051,345 (D6087D). Thank you.

CONFIDENTIALITY NOTICE: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this facsimile is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader is not the intended recipient or an employee or agent responsible for delivery, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please immediately notify Dr. Benjamin A. Adler at (713) 270-5391 and promptly return the facsimile. Thank you.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE FEB 18 2004

APPLICANT: Fung, et al

FILED: January 18, 2002

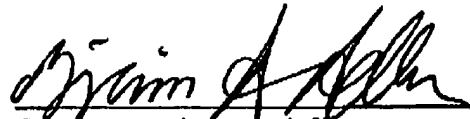
SERIAL NO.: 10/051,345

FOR: Methods to Enhance and
Confine Expression of Genes§ ART UNIT: 1635
§
§ EXAMINER:
§ Zara, Jane J.
§
§ CONFIRMATION NO.
§ 9974
§
§ DOCKET: D6087D

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Mail Stop NON-FEE AMENDMENT
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that this response to the Restriction Requirement mailed January 27, 2004 was transmitted via facsimile to Examiner Jane Zara of the U.S. Patent Office at 703-872-9306 on the date below:

Date: Feb 18, 2004Benjamin Aaron Adler, Ph.D., J.D.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Fung, et al

FILED: January 18, 2002

SERIAL NO.: 10/051,345

FOR: Methods to Enhance and
Confine Expression of Genes§
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ART UNIT: 1635

EXAMINER:
Zara, Jane J.CONFIRMATION NO.
9974

DOCKET: D6087D

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Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

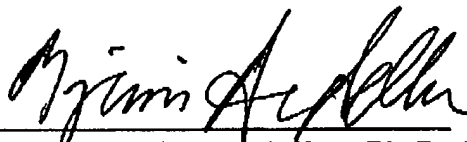
In response to the Restriction Requirement mailed January 27, 2004 for the above-referenced application, Applicants hereby elect Group III, Claims 4-15, drawn to compositions and methods of treating local and metastatic breast, ovarian or prostate cancer comprising the administration of recombinant vector pRIBs-X or pRIPs-X, without traverse.

This is intended to be a complete response to the Restriction Requirement mailed January 27, 2004. If any issues remain outstanding, the Examiner is respectfully requested to

telephone the undersigned attorney of record for immediate resolution. Should any additional fees be due, please debit Deposit Account 07-1185.

Respectfully submitted,

Date: Feb 18, 2004



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